

## **IC 25-38.1**

### **ARTICLE 38.1. VETERINARIANS**

## **IC 25-38.1-1**

### **Chapter 1. Preamble; Definitions**

## **IC 25-38.1-1-1**

### **Preamble**

Sec. 1. This article is an exercise of the police powers of the state to promote the public health, safety, and welfare of the people of Indiana to safeguard against the incompetent, dishonest, or unprincipled practice of veterinary medicine. The practice of veterinary medicine is a privilege conferred by the general assembly to individuals qualified under this article.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.1.*

## **IC 25-38.1-1-1.5**

### **Application of article**

Sec. 1.5. This article does not apply to the manufacture, distribution, storage, transportation, sale, or use of a veterinary drug, including antibiotics and immunization products, if federal or state law does not restrict the drug to:

- (1) use by; or
- (2) use on the order of;

a licensed veterinarian.

*As added by P.L.58-2008, SEC.2.*

## **IC 25-38.1-1-2**

### **Application of definitions**

Sec. 2. The definitions in this chapter apply throughout this article.

*As added by P.L.2-2008, SEC.12.*

## **IC 25-38.1-1-3**

### **"Accredited college of veterinary medicine"**

Sec. 3. "Accredited college of veterinary medicine" means a veterinary college or division of a university or college that:

- (1) offers the degree doctor of veterinary medicine or its equivalent;
- (2) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (3) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

*As added by P.L.2-2008, SEC.12.*

## **IC 25-38.1-1-3.5**

### **"Accredited veterinary technology program"**

Sec. 3.5. "Accredited veterinary technology program" means a

program in veterinary technology that:

- (1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

*As added by P.L.58-2008, SEC.3.*

#### **IC 25-38.1-1-4**

##### **"Agency"**

Sec. 4. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-5**

##### **"Animal"**

Sec. 5. "Animal" means any animal other than humans. The term includes:

- (1) birds;
- (2) fish;
- (3) mammals; and
- (4) reptiles;

wild or domestic.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-6**

##### **Repealed**

*(As added by P.L.2-2008, SEC.12. Repealed by P.L.58-2008, SEC.51.)*

#### **IC 25-38.1-1-7**

##### **"Board"**

Sec. 7. "Board" means the Indiana board of veterinary medical examiners established by IC 25-38.1-2-1.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-7.3**

##### **"Client"**

Sec. 7.3. "Client" means the owner, the owner's agent, or other person who is responsible for an animal that is examined or treated by a veterinarian.

*As added by P.L.58-2008, SEC.4.*

#### **IC 25-38.1-1-7.5**

##### **"Consultation"**

Sec. 7.5. "Consultation" means a licensed veterinarian receiving advice by any means from:

- (1) a veterinarian licensed in Indiana or another jurisdiction; or
- (2) a person whose expertise, in the opinion of the licensed

veterinarian, would benefit an animal.  
*As added by P.L.58-2008, SEC.5.*

#### **IC 25-38.1-1-7.6**

##### **"Contract operator"**

Sec. 7.6. "Contract operator" means an individual who contracts with the owner of an animal to provide complete care for the animal twenty-four (24) hours a day, seven (7) days a week.  
*As added by P.L.58-2008, SEC.6.*

#### **IC 25-38.1-1-7.7**

##### **"Direct supervision"**

Sec. 7.7. "Direct supervision" means a supervisor is readily available on the premises where the animal is being treated.  
*As added by P.L.58-2008, SEC.7.*

#### **IC 25-38.1-1-8**

##### **"ECFVG certificate"**

Sec. 8. "ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.  
*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-9**

##### **"Extern"**

Sec. 9. "Extern" means a:  
(1) senior veterinary student enrolled in an accredited college of veterinary medicine; or  
(2) second year student enrolled in an accredited veterinary technology program;  
employed by or working with a licensed veterinarian and under the licensed veterinarian's direct supervision.  
*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.8.*

#### **IC 25-38.1-1-9.3**

##### **"Impaired veterinary health care provider"**

Sec. 9.3. "Impaired veterinary health care provider" means a veterinarian or registered veterinary technician who has been affected by the use or abuse of alcohol or other drugs.  
*As added by P.L.58-2008, SEC.9.*

#### **IC 25-38.1-1-9.5**

##### **"Indirect supervision"**

Sec. 9.5. "Indirect supervision" means a supervising veterinarian is not on the premises but:  
(1) is present within the veterinarian's usual practice area;  
(2) has given written protocols or oral instructions for the

treatment of an animal for which a veterinarian-client-patient relationship exists; and  
(3) is readily available by telephone or other means of immediate communication.

*As added by P.L.58-2008, SEC.10.*

#### **IC 25-38.1-1-10**

##### **"Licensed veterinarian"**

Sec. 10. "Licensed veterinarian" means an individual who is licensed under this article to practice veterinary medicine in Indiana.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-10.5**

##### **"Patient"**

Sec. 10.5. "Patient" means an animal that is examined or treated by a veterinarian.

*As added by P.L.58-2008, SEC.11.*

#### **IC 25-38.1-1-10.7**

##### **"PAVE certificate"**

Sec. 10.7. "PAVE certificate" means a certificate issued by the Program for the Assessment of Veterinary Medical Education Equivalence, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

*As added by P.L.112-2014, SEC.34.*

#### **IC 25-38.1-1-11**

##### **"Person"**

Sec. 11. "Person" means an individual, an incorporated or unincorporated organization or association, or a group of persons acting in concert.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-12**

##### **"Practice of veterinary medicine"**

Sec. 12. (a) "Practice of veterinary medicine" means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry or any of their branches or specialties;
- (2) using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (3) accepting compensation for doing any of the things described in subdivisions (4) through (8);
- (4) providing the diagnosis, treatment, correction, or prevention of any disease, defect, injury, deformity, pain, or condition of animals;

(5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, an application, or treatment of whatever nature for the prevention, cure, or relief of any disease, ailment, defect, injury, deformity, pain, or other condition of animals;

(6) performing a:

(A) surgical or dental operation; or

(B) complimentary or alternative therapy;  
upon an animal;

(7) certifying the health, fitness, or soundness of an animal; or

(8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.

(b) The term does not include:

(1) administering a drug, medicine, appliance, application, or treatment that is administered at the direction and under the direct supervision of a veterinarian licensed under this article;  
or

(2) equine massage therapy.

(c) As used in this section, "equine massage therapy" means a method of treating the body of a horse for remedial or hygienic purposes through techniques that:

(1) include rubbing, stroking, or kneading the body of the horse;  
and

(2) may be applied with or without the aid of a massage device that mimics the actions possible using human hands.

Equine massage therapy does not include prescribing a drug, performing surgery, chiropractic, or acupuncture, or diagnosing a medical condition.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.12; P.L.211-2015, SEC.1.*

#### **IC 25-38.1-1-13**

##### **"Registered veterinary technician"**

Sec. 13. "Registered veterinary technician" means a veterinary technician registered under this article to work under the direct or indirect supervision of a licensed veterinarian.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.13.*

#### **IC 25-38.1-1-14**

##### **"Veterinarian"**

Sec. 14. "Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-14.5**

##### **"Veterinarian-client-patient relationship"**

Sec. 14.5. "Veterinarian-client-patient relationship" means a relationship between a veterinarian and client that meets the

following conditions:

- (1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.
- (2) The veterinarian has sufficient knowledge of the animal to initiate a diagnosis of the medical condition of the animal. The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by either of the following:
  - (A) An examination of the animal.
  - (B) By recently seeing and being personally acquainted with the keeping and care of representative animals and associated husbandry practices by making medically appropriate and timely visits to the premises where the animal is kept.
- (3) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation if there is an adverse reaction or failure of the treatment regimen.
- (4) When appropriate, the veterinarian has arranged for continuing care with another licensed veterinarian who has access to the animal's medical record.

*As added by P.L.58-2008, SEC.14.*

#### **IC 25-38.1-1-14.7**

##### **"Veterinary assistant"**

Sec. 14.7. "Veterinary assistant" means an individual who is not a licensed veterinarian or registered veterinary technician who performs tasks related to animal health care under the direct supervision of a licensed veterinarian or registered veterinary technician.

*As added by P.L.58-2008, SEC.15.*

#### **IC 25-38.1-1-15**

##### **"Veterinary medicine"**

Sec. 15. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-1-16**

##### **Repealed**

*(As added by P.L.2-2008, SEC.12. Repealed by P.L.58-2008, SEC.51.)*

## **IC 25-38.1-2**

### **Chapter 2. Indiana Board of Veterinary Medical Examiners**

## **IC 25-38.1-2-1**

### **Board of veterinary medical examiners**

Sec. 1. (a) The Indiana board of veterinary medical examiners is established.

(b) The board consists of seven (7) members appointed by the governor from the districts described in section 3 of this chapter. Not more than one (1) veterinarian member may be domiciled in the same district.

(c) One (1) of the board members must be a registered veterinary technician.

(d) One (1) of the board members must be appointed to represent the general public.

(e) Not more than four (4) board members may be affiliated with the same political party.

(f) If there is a vacancy on the board, the governor shall appoint a successor to complete the unexpired term.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.16.*

## **IC 25-38.1-2-2**

### **Terms of board members**

Sec. 2. (a) The term of each member of the board is four (4) years beginning on September 1 of the appropriate year. Each member shall serve until the member's successor is appointed and qualified. Members of the board may be appointed for more than one (1) term, but an individual may not be a member of the board for more than eight (8) years out of any twelve (12) year period.

(b) The terms of the board members expire as follows:

(1) The term of the member from the first district expires on August 31, 2008, and every four (4) years thereafter.

(2) The term of the member from the second district expires on August 31, 2009, and every four (4) years thereafter.

(3) The term of the member from the third district expires on August 31, 2010, and every four (4) years thereafter.

(4) The term of the member from the fourth district expires on August 31, 2011, and every four (4) years thereafter.

(5) The term of the member from the fifth district expires on August 31, 2008, and every four (4) years thereafter.

(6) The term of the member appointed to represent the general public expires on August 31, 2009, and every four (4) years thereafter.

(7) The term of the registered technician member expires on August 31, 2012, and every four (4) years thereafter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.17.*

## **IC 25-38.1-2-3**

## **Districts**

Sec. 3. (a) District 1 consists of the following counties: Clay, Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, and Warrick.

(b) District 2 consists of the following counties: Bartholomew, Brown, Clark, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Hancock, Harrison, Henry, Jackson, Jefferson, Jennings, Johnson, Madison, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne.

(c) District 3 consists of the following counties: Boone, Clinton, Hamilton, Hendricks, Howard, Marion, and Tipton.

(d) District 4 consists of the following counties: Lake, LaPorte, Marshall, Porter, St. Joseph, and Starke.

(e) District 5 consists of the following counties: Adams, Allen, Benton, Blackford, Carroll, Cass, DeKalb, Elkhart, Fulton, Grant, Huntington, Jasper, Jay, Kosciusko, LaGrange, Miami, Newton, Noble, Pulaski, Steuben, Wabash, Wells, White, and Whitley.

*As added by P.L.2-2008, SEC.12.*

## **IC 25-38.1-2-4**

### **Eligibility of board members**

Sec. 4. (a) Each member of the board must have been a resident of Indiana for at least five (5) years continuously before appointment and must have been a:

(1) licensed veterinarian in the private practice of veterinary medicine; or

(2) registered veterinary technician;

in Indiana for at least three (3) of those years.

(b) Each member of the board must be a graduate of a school or college of veterinary medicine or an accredited veterinary technology program generally recognized as approved, according to the prevailing standard for recognition as a school or college of veterinary medicine at the time of the member's graduation.

(c) Each member of the board must be a person of good reputation within the profession and within the community in which the member resides.

(d) A member of the board may not be an officer, a director, or an employee in any manufacturing, wholesaling, or retail enterprise dealing in drugs, supplies, instruments, or equipment used or useful in the practice of veterinary medicine, which might constitute or tend to create a conflict of interest between the member's business association and membership on the board.

(e) A member of the board may not be a member of the faculty, board of trustees, or advisory board of a school of veterinary medicine or school of veterinary technology.

(f) Notwithstanding the other provisions of this section, one (1) member of the board, appointed to represent the general public, must



be an Indiana resident who has never been associated with veterinary medicine in any way other than as a consumer.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.18.*

#### **IC 25-38.1-2-5**

##### **Board meetings**

Sec. 5. (a) The board shall hold an annual meeting in Indianapolis and other regular meetings during the year at places the board sets.

(b) The board may hold special meetings as necessary. The chairperson or two (2) members of the board may call a special meeting.

(c) Four (4) members of the board constitute a quorum.

(d) All meetings must be open and public. However, the board may meet in closed session:

- (1) to prepare, approve, administer, or grade examinations;
- (2) to deliberate the qualifications of an applicant for license or registration; or
- (3) to deliberate the disposition of a proceeding to discipline a licensed veterinarian or registered veterinary technician.

(e) Minutes of each regular and special meeting shall be compiled and kept as a permanent record in the same office as other records of the board are kept. The agency is responsible for the care and safekeeping of the minutes.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-6**

##### **Travel reimbursement**

Sec. 6. Each member of the board is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-7**

##### **Officers; duties of the Indiana professional licensing agency**

Sec. 7. (a) At its annual meeting, the board shall elect a chairperson and vice chairperson and other necessary officers determined by the board. Officers shall serve for a term of one (1) year or until a successor is elected. There is no limitation on the number of terms an officer may serve.

(b) The state veterinarian shall be the technical adviser of the board.

(c) The duties of the agency include:

- (1) corresponding for the board;
- (2) keeping accounts and records of all receipts and disbursements by the board;
- (3) keeping records of all applications for license or registration;
- (4) keeping a register of all persons currently licensed or registered by the board;

- (5) keeping permanent records of all board proceedings; and
- (6) administering the veterinary investigative fund established by section 25 of this chapter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.19.*

#### **IC 25-38.1-2-8**

##### **Liberal construction of supervisory powers**

Sec. 8. The powers granted to the board in this chapter are to enable the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-9**

##### **Board powers; qualifications of applicants**

Sec. 9. The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine; and
- (2) registration to practice as a registered veterinary technician; in Indiana.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.20.*

#### **IC 25-38.1-2-10**

##### **Board powers; licenses and permits**

Sec. 10. The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

- (1) licenses and special permits to practice veterinary medicine; and
- (2) registrations or special permits to practice as a registered veterinary technician; in Indiana.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.21.*

#### **IC 25-38.1-2-11**

##### **Board powers; authority to discipline**

Sec. 11. The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with this article and the rules adopted under this chapter.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-12**

##### **Board powers; examinations**

Sec. 12. The board is vested with the sole authority to determine the following:

- (1) The examinations applicants are required to take.
- (2) The subjects to be covered on the examinations.
- (3) The places where and the dates on which examinations will be given.
- (4) The deadlines for applying to take the examinations.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.22.*

#### **IC 25-38.1-2-13**

##### **Continuing education**

Sec. 13. The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice veterinary medicine and for the renewal of registrations as a registered veterinary technician. The rules adopted under this section must comply with IC 25-1-4-3.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.23.*

#### **IC 25-38.1-2-14**

##### **Standards of professional conduct**

Sec. 14. The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a registered veterinary technician.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.24.*

#### **IC 25-38.1-2-15**

##### **Investigations**

Sec. 15. Subject to IC 25-1-7, the board may conduct investigations for the purpose of discovering violations of this article by:

- (1) licensed veterinarians or registered veterinary technicians;  
or
- (2) persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-16**

##### **Inspections**

Sec. 16. The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to determine if the veterinary hospitals, clinics, or other establishments meet the board's standards of cleanliness and sanitation as defined by the board's rules.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-17**

##### **Hearings**

Sec. 17. The board may hold hearings on all matters properly brought before the board. When conducting hearings, the board may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one (1) or more of its members to serve as the board's hearing officer.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-18**

##### **Court enforcement**

Sec. 18. The board may bring proceedings in the courts for the enforcement of this article or any rules adopted under this chapter.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-19**

##### **Fees**

Sec. 19. (a) The board shall establish by rule under IC 25-1-8 fees sufficient to implement this article, including fees for examining and licensing veterinarians and for examining and registering veterinary technicians.

(b) In addition to the fee to issue or renew a license, registration, or permit, the board may establish a fee of not more than ten dollars (\$10) per year for a person who holds a license or special permit as a veterinarian or a registration or special permit as a veterinary technician to provide funds for administering and enforcing the provisions of this article, including investigating and taking action against persons who violate this article. All funds collected under this subsection shall be deposited in the veterinary investigative fund established by section 25 of this chapter.

(c) The fees established under this section shall be charged and collected by the agency.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.25.*

#### **IC 25-38.1-2-20**

##### **Reciprocal agreements**

Sec. 20. The board may enter into reciprocal agreements with its counterpart boards in other states and may effect agreements by rule.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-21**

##### **Board representation at meetings**

Sec. 21. The board may appoint one (1) or more board members to act as representatives of the board at any meeting inside or outside Indiana where representation is desirable.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-22**

##### **Support personnel and supplies**

Sec. 22. The agency shall provide the board with full or part-time professional and clerical personnel and supplies, including printed matter and equipment, necessary to implement this article.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-23**

##### **Rules**

Sec. 23. The board may adopt rules under IC 4-22-2 that the board considers necessary to carry out the board's duties.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-24**

##### **Seal**

Sec. 24. The board may adopt an appropriate seal, which may be affixed to all license and registration certificates and other official documents of the board.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-25**

##### **Veterinary investigation fund**

Sec. 25. (a) The veterinary investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed under section 19(b) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated to the agency for its use in administering and enforcing this article, conducting investigations, and taking enforcement action against persons violating this article.

(f) The attorney general and the agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the agency shall present the memorandum of understanding annually to the board for review.

*As added by P.L.58-2008, SEC.26.*

### **IC 25-38.1-3**

## **Chapter 3. Veterinarians; Veterinary Technicians; Licenses, Special Permits, and Registration**

### **IC 25-38.1-3-1**

#### **License and permit requirements; exceptions**

Sec. 1. (a) A person may not practice veterinary medicine in Indiana unless the person:

- (1) is licensed as a veterinarian in Indiana; or
- (2) holds a special permit issued by the board.

(b) The following persons are exempt from the licensing or special permit requirements of this chapter:

- (1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing regular duties, or a veterinarian employed by the animal disease diagnostic laboratory established by IC 21-46-3-1 performing regular duties.
- (2) A veterinary medical officer serving in the United States armed forces or veterinarian employed by a federal, state, or local government agency performing veterinary medical services that are within the scope of official duties and are performed during the period of the person's service.
- (3) An individual who is a regular student in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University or working under the direct supervision of a licensed veterinarian.
- (4) An extern.
- (5) A veterinarian who is licensed and is a resident in another state or country and consults with a veterinarian licensed under this article.
- (6) An owner or a contract operator of an animal or a regular employee of the owner or a contract operator caring for and treating an animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.
- (7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.
- (8) An individual while engaged in bona fide scientific research that:
  - (A) reasonably requires experimentation involving animals; and
  - (B) is conducted in a facility or with a company that complies with federal regulations regarding animal welfare.
- (9) A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate or a PAVE certificate and who is under the direct supervision of:
  - (A) the faculty of the School of Veterinary Medicine at

Purdue University; or

(B) a veterinarian licensed under this article.

(10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University.

(11) A member in good standing of another licensed or regulated profession within Indiana who:

(A) provides assistance requested by a veterinarian licensed under this article;

(B) acts with the consent of the client;

(C) acts within a veterinarian-client-patient relationship; and

(D) acts under the direct or indirect supervision of the licensed veterinarian.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.27; P.L.177-2009, SEC.59; P.L.112-2014, SEC.35.*

### **IC 25-38.1-3-2**

#### **Veterinarian licensure requirements**

Sec. 2. To become a licensed veterinarian, a person must:

(1) not have a conviction for a crime that has a direct bearing on the person's ability to practice ethically and competently;

(2) not have committed an act that would have been a violation of IC 25-1-9-4 or IC 25-1-9-6;

(3) pay the fees required under this article;

(4) have successfully completed a program in veterinary medicine from an accredited college of veterinary medicine; and

(5) have successfully completed the examinations described in section 4 of this chapter or qualify for a license without examination under section 5 of this chapter.

However, a person who was licensed as a veterinarian in Indiana on August 31, 1979, is not required to meet the requirements of subdivision (4) or (5).

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.28.*

### **IC 25-38.1-3-3**

#### **Application for license; requirements and qualifications**

Sec. 3. (a) As used in this subsection, "term" refers to an academic semester, trimester, or quarter. A person desiring a license to practice veterinary medicine shall make written application to the board. The application must state that the applicant is:

(1) a graduate of an accredited college of veterinary medicine; or

(2) enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.

If the applicant is enrolled as a last term student as described in subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting

to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the student must accompany the application. A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished to the board either that the applicant has graduated from an accredited college of veterinary medicine, or that the applicant is the holder of an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate or a PAVE certificate. The application must show reasonable information and proof required by the board by rule. The application must be accompanied by the required fee.

(b) If the board determines that the applicant possesses the proper qualifications, the board may grant the applicant a license. If the board determines that the applicant is not qualified to take the examination or that the applicant does not qualify for a license without examination, the executive secretary of the board shall immediately notify the applicant in writing of the finding and the grounds for the finding. Applicants found unqualified may request a hearing on the question of their qualifications.

*As added by P.L.2-2008, SEC.12. Amended by P.L.112-2014, SEC.36.*

#### **IC 25-38.1-3-4**

##### **Examinations**

Sec. 4. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year. However, the board may hold additional examinations. The agency shall give notice of the date, time, and place for each examination at least ninety (90) days before the date set for the examination. A person desiring to take an examination must make application not later than the time the board prescribes under IC 25-38.1-2-12.

(b) The board must approve the preparation, administration, and grading of examinations that comply with the following requirements:

(1) Examinations for licensure to practice as a veterinarian must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to practice veterinary medicine. The board may adopt and use examinations approved by the National Board of Veterinary Medical Examiners for licensure to practice veterinary medicine.

(2) Examinations for registration as a registered veterinary technician must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in schools for veterinary technicians. To pass the examination, the examinee must demonstrate scientific and



practical knowledge sufficient to prove to the board that the examinee is competent to act as a registered veterinary technician. The board may adopt and use examinations approved by the American Association of Veterinary State Boards for registration as a veterinary technician.

(c) To qualify for a license as a veterinarian or to be registered as a veterinary technician, the applicant must attain a passing score in the examinations.

(d) After the examinations, the agency shall notify each examinee of the result of the examinee's examinations. The board shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The agency shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. Payment of the examination fee may not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.29.*

#### **IC 25-38.1-3-5**

##### **License without examination**

Sec. 5. The board may issue a license without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant:

(A) is a graduate of an accredited college of veterinary medicine;

(B) holds an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate; or

(C) holds a PAVE certificate;

(2) for the five (5) years immediately preceding filing an application has been a practicing veterinarian licensed in a state, territory, or district of the United States that has license requirements substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.112-2014, SEC.37.*

#### **IC 25-38.1-3-5.5**

##### **Permit requirements; exceptions**

Sec. 5.5. (a) An individual may not act as a registered veterinary technician unless the person is registered as a veterinary technician in Indiana or has been issued a special permit by the board.

(b) An individual is not required to meet the registration

requirements for a registered veterinary technician under this article while the individual is:

- (1) a full-time student in an accredited veterinary technology program performing duties or actions assigned by faculty or staff of the accredited program; or
- (2) working under the direct supervision of a licensed veterinarian to perform tasks that are an educational requirement of the accredited program.

*As added by P.L.58-2008, SEC.30.*

#### **IC 25-38.1-3-6**

##### **Veterinary technician permit requirements**

Sec. 6. To become a registered veterinary technician, a person must:

- (1) not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;
- (2) pay the required fees;
- (3) be at least eighteen (18) years of age;
- (4) have successfully completed four (4) years of high school education or an acceptable equivalent;
- (5) have either successfully completed an accredited veterinary technology program or have been a registered veterinary technician on August 31, 1981; and
- (6) show that the person has the necessary knowledge and skills to be a registered veterinary technician, demonstrated by successfully passing the required examinations.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.31.*

#### **IC 25-38.1-3-7**

##### **Veterinary technicians; refusal to issue permit; probationary registration; conditions**

Sec. 7. (a) The board may refuse to issue a registration or may issue a probationary registration to an applicant for registration as a registered veterinary technician under this chapter if:

- (1) the applicant has been disciplined by a licensing entity of another state or jurisdiction; and
- (2) the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to competently practice as a veterinary technician in Indiana.

(b) Whenever issuing a probationary registration under this section, the board may impose any or a combination of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
  - (2) Limit practice to those areas prescribed by the board.
  - (3) Continue or renew professional education.
  - (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (c) The board shall remove any limitations placed on a

probationary registration issued under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

(d) This section does not apply to an individual who currently holds a registration certificate under this chapter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.32.*

#### **IC 25-38.1-3-8**

##### **Registration without examination**

Sec. 8. The board may issue a registration without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant has successfully completed an accredited veterinary technology program;

(2) for the five (5) years immediately preceding filing an application has been acting as a registered veterinary technician in a state, territory, or district of the United States that has registration requirements substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.33.*

#### **IC 25-38.1-3-9**

##### **Application**

Sec. 9. An applicant for registration as a registered veterinary technician shall complete an application form prescribed by the board. Each application shall be accompanied by the required registration fee and other material that the board may require by rule. Each applicant shall furnish proof to the board that the applicant meets the requirements of a registered veterinary technician under this chapter.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-3-10**

##### **Term of license and registration certificate**

Sec. 10. Subject to IC 25-1-2-6(e), a license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

*As added by P.L.2-2008, SEC.12. Amended by P.L.177-2015, SEC.77.*

#### **IC 25-38.1-3-11**

##### **License renewal**

Sec. 11. (a) Subject to IC 25-1-2-6(e), a license issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All licenses expire on a date set by the agency in each odd-numbered year but may be renewed by application to the board and payment of the proper renewal fee. In accordance with

IC 25-1-5-4(c), the agency shall mail a notice ninety (90) days before the expiration to each licensed veterinarian. The agency shall issue a license renewal to each individual licensed under this chapter if the proper fee has been received and all other requirements for renewal of the license have been satisfied. Failure to renew a license on or before the expiration date automatically renders the license invalid without any action by the board.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.34; P.L.177-2015, SEC.78.*

### **IC 25-38.1-3-12**

#### **Registration certificate renewal**

Sec. 12. (a) Subject to IC 25-1-2-6(e), a registration certificate issued under this chapter is valid until the next renewal date described under subsection (b).

(b) Subject to IC 25-1-2-6(e), all registration certificates expire on a date set by the agency of each even-numbered year but may be renewed by application to the board and payment of the proper renewal fee. In accordance with IC 25-1-5-4(c), the agency shall mail a notice ninety (90) days before the expiration to each registered veterinary technician. The agency shall issue a registration certificate renewal to each individual registered under this chapter if the proper fee has been received and all other requirements for renewal of the registration certificate have been satisfied. Failure to renew a registration certificate on or before the expiration date automatically renders the license invalid without any action by the board.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.35; P.L.177-2015, SEC.79.*

### **IC 25-38.1-3-13**

#### **Practicing without a valid license or registration; violation; renewal; inactive status**

Sec. 13. (a) An individual who:

- (1) practices veterinary medicine after the individual's license has expired, been revoked, or been placed on inactive status; or
- (2) acts as a registered veterinary technician after the individual's registration has expired, been revoked, or been placed on inactive status;

violates this article.

(b) A veterinarian may renew an expired license or a registered veterinary technician may renew an expired registration certificate not later than five (5) years after the date of expiration by making written application for renewal and paying the required fee. However, the board may require continuing education as a condition of renewal of an expired license.

(c) A veterinarian may not renew an expired license, and a registered veterinary technician may not renew an expired registration certificate, after five (5) years have elapsed after the date of the expiration of a license or a registration certificate but the

person may make application for a new license or registration certificate and take the appropriate examinations.

(d) To have a license or registration placed on inactive status, a licensed veterinarian or registered veterinarian technician must notify the board in writing of the veterinarian's or technician's desire to have the license or registration placed on inactive status. The board shall waive the continuing education requirements, if any, and payment of the renewal fee during the period the license or registration of a veterinarian or technician is on inactive status. A license or registration may be placed on inactive status during the period:

- (1) the veterinarian or technician is on active duty with any branch of the armed services of the United States;
- (2) the veterinarian or technician is in the Peace Corps;
- (3) the veterinarian or technician is in an alternative service during a time of national emergency;
- (4) the veterinarian or technician is suffering from a severe medical condition that prevents the veterinarian or technician from meeting the requirements of the board; or
- (5) after the veterinarian or technician retires.

A veterinarian or technician who is retired and on inactive status may not maintain an office or practice veterinary medicine. The board may adopt rules under IC 4-22-2 that establish prerequisites or conditions for the reactivation of an inactive license or registration. *As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.36.*

## **IC 25-38.1-4**

### **Chapter 4. Practice; Discipline; Prohibitions**

#### **IC 25-38.1-4-1**

##### **Veterinary technician identification; use of title or abbreviation; advertising**

Sec. 1. (a) During working hours or when actively performing the registered veterinary technician's duties, a registered veterinary technician must wear a unique mark of identification on the technician's clothing that is approved by the board and that identifies the technician as a registered veterinary technician.

(b) An individual who is not a registered veterinary technician may not use the title "registered veterinary technician", "veterinary technician", or the abbreviation "R.V.T.".

(c) An individual who is not a registered veterinary technician may not advertise or offer the individual's services in a manner calculated to lead others to believe that the individual is a registered veterinary technician.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.37.*

#### **IC 25-38.1-4-2**

##### **Restrictions on veterinary technicians and veterinary assistants**

Sec. 2. A:

- (1) registered veterinary technician; or
- (2) veterinary assistant;

may not diagnose, make a prognosis, prescribe medical or surgical treatment, or perform as a surgeon. However, the registered veterinary technician may perform routine procedures defined by board rules while under the direct or indirect supervision of a licensed veterinarian responsible for the technician's performance.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.38.*

#### **IC 25-38.1-4-3**

##### **Supervision of veterinary employees; compensation; duties**

Sec. 3. (a) A supervising veterinarian shall determine and is responsible for determining, except where prohibited by law, if the tasks being delegated are commensurate with the employee's training, experience, and skills.

(b) Registered veterinary technicians may, under direct or indirect supervision, perform routine food animal management practices if a valid veterinarian-client-patient relationship exists.

(c) A registered veterinary technician or veterinary assistant may not receive a fee or compensation for veterinary services other than salary or compensation paid by the establishment where the individual is employed.

(d) In the performance of delegated veterinary tasks, a registered veterinary technician and veterinary assistant shall do the following:

- (1) Accept only those delegated veterinary tasks for which there are mutually approved protocols, written standing orders, or

verbal directions.

(2) Accept only those delegated veterinary tasks that:

(A) the registered veterinary technician or veterinary assistant is competent to perform based on education, training, or experience; and

(B) are not prohibited by law.

(3) Consult with the supervising veterinarian in cases where the registered veterinary technician or veterinary assistant knows or should have known that a delegated veterinary task may harm an animal.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.39; P.L.9-2013, SEC.1.*

#### **IC 25-38.1-4-4**

##### **Repealed**

*(As added by P.L.2-2008, SEC.12. Repealed by P.L.58-2008, SEC.51.)*

#### **IC 25-38.1-4-5**

##### **Prescriptions; immunizations**

Sec. 5. (a) A licensed veterinarian may write prescriptions. Pharmacists shall give the prescriptions written by a licensed veterinarian the same recognition given the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.

(b) A valid veterinarian-client-patient relationship must exist before a licensed veterinarian dispenses or prescribes a prescription product.

(c) Veterinary prescription products, including drugs and immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian.

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

(e) This subsection does not apply to:

(1) livestock (as defined by IC 15-11-5-1); or

(2) an animal immunized by its owner.

An individual may not immunize an animal for a fee unless the individual is a veterinarian.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.40; P.L.211-2015, SEC.2.*

#### **IC 25-38.1-4-5.5**

##### **Maintenance of veterinary medical records; copies; confidentiality; exceptions to confidentiality**

Sec. 5.5. (a) Each person who provides veterinary medical services shall maintain medical records, as defined by rules adopted by the board.

(b) Veterinary medical records include the following:

- (1) Written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports.
- (2) Other information received as the result of consultation.
- (3) Identification of any designated agent of the owner for the purpose of authorizing veterinary medical or animal health care decisions.
- (4) Any authorizations, releases, waivers, or other related documents.

(c) The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. The veterinarian may require that the request be in writing.

(d) Except as provided in subsections (e) and (f) or upon written authorization of the client, an animal's veterinary medical record and medical condition is confidential and may not be:

- (1) furnished to; or
- (2) discussed with;

any person other than the client or other veterinarians involved in the care or treatment of the animal.

(e) An animal's veterinary medical records and medical condition must be furnished within five (5) business days without written client authorization under the following circumstances:

- (1) Access to the records is specifically required by a state or federal statute.
- (2) An order by a court with jurisdiction in a civil or criminal action upon the court's issuance of a subpoena and notice to the client or the client's legal representative.
- (3) As part of an inspection or investigation conducted by the board or an agent of the board.
- (4) As part of a request from a regulatory or health authority, physician, or veterinarian:
  - (A) to verify a rabies vaccination of an animal; or
  - (B) to investigate a threat to human or animal health, or for the protection of animal or public health and welfare.
- (5) As a part of an animal cruelty report and associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency.
- (6) To a law enforcement agency as part of a criminal investigation.

(f) An animal's veterinary medical records and medical condition may be furnished without written client authorization under the following circumstances:

- (1) To the School of Veterinary Medicine at Purdue University, the animal disease diagnostic laboratory, or a state agency or



commission. However, an animal's veterinary medical records remain confidential unless the information is disclosed in a manner allowed under this section.

(2) Veterinary medical records that are released by the board of animal health when in the judgment of the state veterinarian the disclosure is necessary or helpful in advancing animal health or protecting public health.

(3) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the animal and the client.

(g) An animal's veterinary medical records must be kept and maintained by the veterinarian for at least three (3) years after the veterinarian's last encounter with the animal.

*As added by P.L.58-2008, SEC.41. Amended by P.L.9-2014, SEC.1.*

#### **IC 25-38.1-4-6**

##### **Emergencies**

Sec. 6. Notwithstanding this chapter, in an emergency, in the absence of the licensed veterinarian employer, an employee of a licensed veterinarian may perform the duties it is lawful for the employee to perform under the direct supervision of the licensed veterinarian according to the rules of the board and the written authority of the licensed veterinary employer.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.42.*

#### **IC 25-38.1-4-7**

##### **Immunity in emergencies; euthanasia**

Sec. 7. A licensed veterinarian or a registered veterinary technician who, on the veterinarian's or technician's own initiative, gives emergency treatment to a sick or injured animal is not liable in damages to the owner of the animal in the absence of gross negligence. If a licensed veterinarian performs euthanasia on the animal, there is a presumption that performing euthanasia was a humane act, necessary to relieve the animal of pain and suffering.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-4-8**

##### **Abandoned animals**

Sec. 8. (a) An animal placed in the custody of a veterinarian is considered to be abandoned five (5) days after the veterinarian has given written notice to the individual who delivered the animal to the veterinarian that the animal should be reclaimed by the individual. Written notice must be delivered by certified mail to the place given by the individual as the individual's mailing address at the time the individual delivered the animal to the veterinarian.

(b) Abandonment of an animal under this section constitutes the relinquishment of all rights and claims by the owner of the animal. An abandoned animal may be sold or otherwise disposed of as the veterinarian may see fit. The purchaser or recipient of an abandoned

animal shall receive full and clear title to the animal.

(c) The giving of notice as provided in this section relieves the veterinarian and all persons who receive an abandoned animal from the veterinarian of criminal or civil liability.

(d) The individual who delivered an animal abandoned under this section is liable for all reasonable and customary expenses incurred for diagnosis, treatment, hospitalization, surgery, board, euthanasia, and disposal of the abandoned animal.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.43.*

#### **IC 25-38.1-4-8.5**

##### **Immunity for reporting suspected animal cruelty**

Sec. 8.5. A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under IC 35-46-3 to a law enforcement officer is immune from liability in any civil or criminal action brought for reporting the incident.

*As added by P.L.58-2008, SEC.44. Amended by P.L.111-2009, SEC.5.*

#### **IC 25-38.1-4-9**

##### **Discipline of registered veterinary technicians**

Sec. 9. Upon written complaint sworn to by any individual, the board may, by the concurrence of four (4) members, after a hearing and based upon findings of fact, discipline a registered veterinary technician by revoking or suspending the technician's registration for a time certain, by placing the technician on probation, or by any other appropriate means for any of the following reasons:

- (1) The use of fraud, misrepresentation, or deception in obtaining a registration.
- (2) Intoxication or the unlawful use of a controlled substance.
- (3) The use of advertising or solicitation that is false or misleading or is considered unprofessional under rules adopted by the board.
- (4) Conviction of or a plea of guilty to the charge of a felony or misdemeanor involving moral turpitude.
- (5) Incompetence, gross negligence, or malpractice in performing as a registered veterinary technician.
- (6) Cruelty to animals.
- (7) Representing the technician as a veterinarian.
- (8) Disciplinary action taken against the technician's registration by the board or by the licensing agency of any other state or jurisdiction by reason of the technician's inability to practice safely as a registered veterinary technician, if the reason is valid in the opinion of the board.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.45.*

#### **IC 25-38.1-4-10**

##### **Offenses; practice without a license; false information**

Sec. 10. A person who knowingly:

- (1) practices veterinary medicine without a license or special permit to practice veterinary medicine issued by the board; or
- (2) supplies false information on an application for a license as a veterinarian;

commits a Class A misdemeanor.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.46.*

#### **IC 25-38.1-4-11**

##### **Offenses; veterinary technicians**

Sec. 11. A person who knowingly:

- (1) acts as a registered veterinary technician without being registered as a veterinary technician with the board or having a special permit issued by the board; or
- (2) supplies false information on an application for registration as a veterinary technician;

commits a Class A misdemeanor.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.47.*

#### **IC 25-38.1-4-11.5**

##### **Offenses; general**

Sec. 11.5. Except as provided in sections 10 and 11 of this chapter, a person who violates this chapter commits a Class A infraction.

*As added by P.L.58-2008, SEC.48.*

#### **IC 25-38.1-4-12**

##### **Injunction for practice without a license or certificate**

Sec. 12. (a) If a person engages in the practice of veterinary medicine without a license or certificate issued under this article:

- (1) the attorney general;
- (2) a prosecuting attorney;
- (3) the board; or
- (4) a citizen;

may maintain an action in the name of the state to enjoin the person from engaging in the practice of veterinary medicine.

(b) In charging a person under subsection (a) in an affidavit, information, or indictment with a violation of this article, it is sufficient to charge that the person did, on a certain date and in a certain county, engage in the practice of veterinary medicine without a license or permit issued under this article.

*As added by P.L.2-2008, SEC.12.*

## **IC 25-38.1-5**

### **Chapter 5. Impaired Veterinary Health Care Providers**

#### **IC 25-38.1-5-1**

##### **Rehabilitation of impaired veterinary health care providers**

Sec. 1. (a) The board shall assist in the rehabilitation of an impaired veterinary health care provider.

(b) The board may do the following:

(1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or other entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired veterinary health care providers.

(2) Accept and designate grants and public and private financial assistance to fund programs under subdivision (1) to assist impaired veterinary health care providers.

*As added by P.L.58-2008, SEC.49.*

#### **IC 25-38.1-5-2**

##### **Confidential information**

Sec. 2. (a) Except as provided in section 3 of this chapter, all:

- (1) information furnished to a nonprofit professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals, including interviews, reports, statements, and memoranda; and
- (2) findings, conclusions, or recommendations that result from a proceeding of the professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals;

are privileged and confidential.

(b) The records of a proceeding under subsection (a)(2) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.

*As added by P.L.58-2008, SEC.49.*

#### **IC 25-38.1-5-3**

##### **Use of noncompliance information**

Sec. 3. Information received by the board from the board designated rehabilitation program for noncompliance by the impaired veterinary health care provider may be used by the board in a disciplinary or criminal proceeding instituted against the impaired veterinary health care provider.

*As added by P.L.58-2008, SEC.49.*

#### **IC 25-38.1-5-4**

##### **Rehabilitation program responsibilities**

Sec. 4. The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired veterinary health care provider whom the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired veterinary health care provider; and

(2) in a timely fashion report to the board an impaired veterinary health care provider:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly alleviated through treatment, as determined by accepted medical standards.

*As added by P.L.58-2008, SEC.49.*

#### **IC 25-38.1-5-5**

##### **Impaired veterinary health care provider fund**

Sec. 5. (a) The impaired veterinary health care provider fund is established to provide money for rehabilitation of impaired veterinary health care providers under this chapter. The agency shall administer the fund.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of any grants or public and private financial assistance designated for the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is appropriated to the board for the purpose stated in subsection (a).

*As added by P.L.58-2008, SEC.49.*